

PRESIDENT: But you don't have any...Is your amendment withdrawn, Senator?

SENATOR DUIS: My amendment is withdrawn.

PRESIDENT. Thank you. What is the next amendment?

CLERK: Mr. President, the next amendment is offered by Senator Mills. (Read Mills' amendment found on page 1869 of the Journal, First Session).

SENATOR MILLS: Mr. President, because of a forthcoming amendment that will make this...completely delete this, I would withdraw that amendment.

PRESIDENT: The next one.

CLERK: Mr. President, (Read Mills' amendment to LB 217 found on page 230 of the Journal).

SENATOR MILLS: Mr. President, on page 2 of the green sheet, the green bill, you will see on line 24, it says and it starts by saying, "each district may issue cease and desist orders". What I am doing is inserting there and the language would then be, "each district may upon ten days notice to the person affected, stating the contemplated action in the general grounds, issue cease and desist orders". Now what that does, is it brings the cease and desist orders that are already in the law into a constitutional...making it constitutionally right. Then the second part of the amendment and this is the one that I put on your desk, if you'll turn to the Committee, the corrected Standing Committee amendment found right in front of the 217, green copy, strike all of Section 3 and all of that language. That takes out of 217 any reference to surface waters at all. This is what Senator Duis is speaking about. His amendment was to surface water. The amendment that I had earlier was to surface water. So all we have now is an amendment to the Committee amendment and you will see the new bill basically right there before you. It does nothing except as Senator Kremer said, put in the words control and it discusses the differences in hydrologic or geologic conditions within a control area and brings it into constitutional correctness. And I would ask you to adopt that amendment. It is not doing anything it has not done right now. The whole area is constitutionally corrected and for those who had fears of surface waters, they should be relieved as they have been completely amended out. I'd ask you to adopt the amendment to the Committee amendment.

PRESIDENT: Senator Schmit.

SENATOR SCHMIT: Well, Senator Mills, I'd just like to ask you a question.

SENATOR MILLS: Certainly.

SENATOR SCHMIT: Do you think there is any possibility that with this provision in the law now, defining their authority to exclude certain parts of a control area from, as you explained, rigid controls, that there may be a tendency on the part of the area which is being placed under a control area to include more area than is really needed?